

Introduced by Senator Steinberg

February 27, 2009

An act to amend Section 65588 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 575, as introduced, Steinberg. Local planning: housing element.

Existing law requires every city, county, and city and county to revise the housing element of its general plan as frequently as is appropriate to reflect the results of the periodic review. Existing law further requires that all local governments within the regional jurisdiction of the San Diego Association of Governments adopt their 5th revision no more than 5 years from the 4th revision.

This bill instead would require that all local governments within the regional jurisdiction of the San Diego Association of Governments adopt their 5th revision no later than an unspecified period of time.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65588 of the Government Code is
- 2 amended to read:
- 3 65588. (a) Each local government shall review its housing
- 4 element as frequently as appropriate to evaluate all of the
- 5 following:
- 6 (1) The appropriateness of the housing goals, objectives, and
- 7 policies in contributing to the attainment of the state housing goal.

1 (2) The effectiveness of the housing element in attainment of
2 the community's housing goals and objectives.

3 (3) The progress of the city, county, or city and county in
4 implementation of the housing element.

5 (b) Except as provided in paragraph (7) of subdivision (e), the
6 housing element shall be revised as appropriate, but not less than
7 every eight years, to reflect the results of this periodic review, by
8 those local governments that are located within a region covered
9 by (1) a metropolitan planning organization in a region classified
10 as nonattainment for one or more pollutants regulated by the federal
11 Clean Air Act or (2) a metropolitan planning organization or
12 regional transportation planning agency that is required, or has
13 elected pursuant to subparagraph (L) of paragraph (2) of
14 subdivision (b) of Section 65080, to adopt a regional transportation
15 plan not less than every four years, except that a local government
16 that does not adopt a housing element within 120 days of the
17 statutory deadline for adoption of the housing element shall revise
18 its housing element as appropriate, but not less than every four
19 years. The housing element shall be revised, as appropriate, but
20 not less than every five years by those local governments that are
21 located within a region covered by a metropolitan planning
22 organization or regional transportation planning agency that is
23 required to adopt a regional transportation plan not less than every
24 five years, to reflect the results of this periodic review. Nothing
25 in this section shall be construed to excuse the obligations of the
26 local government to adopt a revised housing element no later than
27 the date specified in this section.

28 (c) The review and revision of housing elements required by
29 this section shall take into account any low- or moderate-income
30 housing provided or required pursuant to Section 65590.

31 (d) The review pursuant to subdivision (c) shall include, but
32 need not be limited to, the following:

33 (1) The number of new housing units approved for construction
34 within the coastal zone after January 1, 1982.

35 (2) The number of housing units for persons and families of
36 low or moderate income, as defined in Section 50093 of the Health
37 and Safety Code, required to be provided in new housing
38 developments either within the coastal zone or within three miles
39 of the coastal zone pursuant to Section 65590.

1 (3) The number of existing residential dwelling units occupied
2 by persons and families of low or moderate income, as defined in
3 Section 50093 of the Health and Safety Code, that have been
4 authorized to be demolished or converted since January 1, 1982,
5 in the coastal zone.

6 (4) The number of residential dwelling units for persons and
7 families of low or moderate income, as defined in Section 50093
8 of the Health and Safety Code, that have been required for
9 replacement or authorized to be converted or demolished as
10 identified in paragraph (3). The location of the replacement units,
11 either onsite, elsewhere within the locality's jurisdiction within
12 the coastal zone, or within three miles of the coastal zone within
13 the locality's jurisdiction, shall be designated in the review.

14 (e) Notwithstanding subdivision (b) or the date of adoption of
15 the housing elements previously in existence, each city, county,
16 and city and county shall revise its housing element according to
17 the following schedule:

18 (1) Local governments within the regional jurisdiction of the
19 Southern California Association of Governments: June 30, 2006,
20 for the fourth revision.

21 (2) Local governments within the regional jurisdiction of the
22 Association of Bay Area Governments: June 30, 2007, for the
23 fourth revision.

24 (3) Local governments within the regional jurisdiction of the
25 Council of Fresno County Governments, the Kern County Council
26 of Governments, and the Sacramento Area Council of
27 Governments: June 30, 2002, for the third revision, and June 30,
28 2008, for the fourth revision.

29 (4) Local governments within the regional jurisdiction of the
30 Association of Monterey Bay Area Governments: December 31,
31 2002, for the third revision, and June 30, 2009, for the fourth
32 revision.

33 (5) Local governments within the regional jurisdiction of the
34 San Diego Association of Governments: June 30, 2005, for the
35 fourth revision.

36 (6) All other local governments: December 31, 2003, for the
37 third revision, and June 30, 2009, for the fourth revision.

38 (7) (A) All local governments within a metropolitan planning
39 organization in a region classified as nonattainment for one or
40 more pollutants regulated by the federal Clean Air Act (42 U.S.C.

1 Sec. 7506), except those within the regional jurisdiction of the San
2 Diego Association of Governments, shall adopt the fifth revision
3 of the housing element no later than 18 months after adoption of
4 the first regional transportation plan to be adopted after September
5 30, 2010.

6 (B) All local governments within the regional jurisdiction of
7 the San Diego Association of Governments shall adopt their fifth
8 revision ~~no more than five years from the fourth revision~~ *later*
9 *than ____* and their sixth revision no later than 18 months after
10 adoption of the first regional transportation plan to be adopted
11 after the fifth revision due date.

12 (C) All local governments within the regional jurisdiction of a
13 metropolitan planning organization or a regional transportation
14 planning agency that has made an election pursuant to
15 subparagraph (L) of paragraph (2) of subdivision (b) of Section
16 65080 shall be subject to the eight-year planning period pursuant
17 to subdivision (b) of Section 65588 and shall adopt its next housing
18 element 18 months after adoption of the first regional transportation
19 plan following the election.

20 (f) For purposes of this article, “planning period” shall be the
21 time period for periodic revision of the housing element pursuant
22 to this section.